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BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314				TRUONG, CAM Y T
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/922,811	SMET, FRANCIS DE	
	Examiner Cam Y T Truong	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 13-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Applicant has amended claim 1 and canceled claim 12 in the amendment filed on 9/20/2004.

Claims 1-11 and 13-16 are pending in this Office Action.

Applicant's arguments with respect to claims 1-11 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

### **ABSTRACT**

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a *single paragraph on a separate sheet within the range of 50 to 150 words*. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Drawings***

3. A descriptive textual label for each numbered element in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a

table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

(n) **Symbols**. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) **Legends**. Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

The drawings are objected to because all elements in figs 1-6 have no labels. Thus, these elements do not give a viewer to fully understand without substantial analysis of detailed specification.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 9 recites the limitation "the website" in page 3, line 11. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Objections***

6. Claim 2 is objected to because of the following informalities: "internet" should be written as "the internet", page 2, line 10. Appropriate correction is required.

7. Claim 4 is objected to because of the following informalities: "internet" should be written as "the internet", page 2, line 19. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-11 and 13-16 are rejected under 35 U.S.C.101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

As regarding claim 1:

While the preamble of the claim states, "a method for searching information on the internet", the claim fails to contain a computer that is used implemented the method for searching information so as to realize its functionality. Further, applicant's use of "when" clearly shows that the user makes a plan to search information on the internet anytime in future. Thus, claim 1 is merely abstract idea whereby "using at least one search assistant to help a user when searching information on the Internet", which can be interpreted as a search planning by using a search assistant to help a user whenever the user wants to search information on the internet any time in future, is being processed without any links to a practical result in the technology arts and without computer manipulation.

Claims 2-11 and 13-16 are dependent on claim 1. Therefore, they are rejected under 35 U.S.C.101.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 2, 8, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Goedken (US 6393423).

As to claim 1, Goedken teaches a method for searching information on the internet (col. 21, lines 45-47) comprising:

"using at least one search assistant to help a user when searching for information on the internet" as the database manger 140, which includes a search engine associated with the portal 144, is responsive to information request 18 from a searcher or a user to search the knowledge database 136 for a reply to the information request

18. If the database manger 140 is unsuccessful in its search, the selector 110 of the apparatus 10 could be activated to initiate a search for an information custodian 14 that can rely to the information 18. To answer this request, information custodians 14 are preferably authorized to search the knowledge database 136 for pre-existing answer on the internet. For example, after Dr\_McWilliams indirectly receives the information request 18 of a user 12, the Dr\_McWilliams provides an answer to the user indirectly.

The above information shows that the information custodian 14 or Dr\_McWilliam helps the user when searching information on the Internet. The custodian 14 is represented as one search assistant (figs. 4-8& 10, col. 21, lines 64-67; col. 22, lines 1-7; col. 20, lines 20-24),

"wherein the at least one search assistant is human and specialist in searching on the internet" as from time to time and information request message 18 will be routed to an information custodian 14 even though an answer to a information request exists in the database 136 that is accessed by any user via the Internet. To answer this question, the information custodians 14 are preferably authorized to search the knowledge database 136 for pre-existing answers on the Internet system for addressing the question. If the custodian 14 finds such an answer, he/she is authorized to prompt the database manager 140 to initiate the preparation of a final answer message 24. In particularly, after receiving a question from user name John Doe indirectly, the custodian 14 or Dr\_McWilliams provides an answer including a web site that contains more information. The above information shows the custodian 14 who is a human and specialist in searching on the Internet (figs. 4-8& 10, col. 20, lines 19-31);

"wherein the human search assistant reformulates a first information request of the user into an adapted information request associated with the first information request" as in response to a message from a first information requester 12 asking (How do bats see in the dark?) as a first version, and information custodian 14 may include the question synonym (How do bats use radar?) as a second version. In particular, the information custodian 14 may amend the question segment 28 and/or he may include a

question synonym segment to facilitate subsequent automatic and/or manual retrievals.

The above information shows that the custodian 14 reformulates the question of the requester 12 after receiving the question of the requester 12. The amended question is represented as an adapted information request (figs. 5&6, col. 20, lines 36-39; col. 32, lines 55-58).

“applies the adapted information request on at least one search robot for accessing information related to the first information request” as after receiving the question 18 of the user 12, the information custodian 14 may amend the question segment 28 and/or he may include a question synonym segment to facilitate subsequent automatic and/or manual retrievals and search an answer in the knowledge database 136. The knowledge database 136 is stored in a portal 144 that includes a first type of search engine 148. This search engine is typically responsive to a query received from a searcher to search for web sites having addresses on the Internet. If the custodian 14 finds such an answer, he/she is authorized to prompt the database manager 140 to initiate the preparation of a final answer message 24. For example, after receiving a question from user name John\_Doe indirectly, the custodian 14 or Dr\_McWilliams provides an answer including a web site that contains more information. The above information shows that the custodian 14 applies the amended question to the search engine 148 for accessing information in the knowledge database 136; thus, the custodian 14 or Dr\_McWilliams can provide an answer to the user John\_Doe indirectly (figs. 4-8&10, col.32, lines 55-58; col. 20, lines 25-31). Applicant defined that “search robot” means “search program which can sour the internet in searching of the

Art Unit: 2162

requested information" (page 1, lines 26-28). The search engine is a program that searches for keywords in a database (Computer Dictionary, page 424, col. Right, lines 30-33). Thus, the search engine 148 is represented as the search robot.

As to claim 2, Goedken teaches the claimed limitation "wherein the human search assistant assists the user by searching on internet and indicates to the user where the information the user is looking for can be found in the World Wide Web or where the user should be looking in the World Wide Web or giving the user information found in the World Wide Web" as Dr\_McWilliams helps John\_Doe by searching on internet and indicates a web site <http://www.bats.com/sonar> for more information (figs. 4-8 &10, col. 20, lines 20-25; col. 20, lines 36-40).

As to claim 8, Goedken teaches the claimed limitation "including consulting the human search assistant via a device selected from the group consisting of: a computer, a mobile phone, a palmtop, and an interactive television apparatus or the set-top box associated therewith" as the information custodian 14 such as Dr\_McWilliams is consulted via a user computer (figs. 4-8 &10, col. 20, lines 22-31).

As to claim 13, Goedken teaches the claimed limitation "wherein the human search assistant assists the user when searching for services" as information custodian 14 can reply or assist a user indirectly when the user wants to search websites via Internet. Websites are represented services (col. 21, lines 43-50; col. 22, lines 1-8).

As to claim 16, Goedken teaches the claimed limitation "including communicating with the user in the user's own language, with or without simultaneous translation" as when Dr\_McWilliams receives a question: How do bats see in the darks in English language indirectly from John Doe via email, the Dr\_McWilliams answers this question in English language. The above information shows that John Doe is served in his own language without simultaneous translation (figs. 4-8).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6393423) in view of Hoffman (US 6366906).

As to claim 4, Goedken discloses the claimed limitation subject matter in claimed 1, except the claimed limitation "wherein the human search assistant makes use of search engines for search on interent". Hoffman teaches that a user can select all provided search engines to search information on Internet (col. 8, lines 56-58; col. 10, lines 39-43, fig. 1).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Hoffman's teaching of the user can selects all provided search engines to search information on the Internet to Goedken's system in order to allow a user to specify search engines for finding specific information related to a user defined search term.

14. Claims 3, 5, 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6393423) in view of Busey et al (or hereinafter "Busey") (US 6377944).

As to claim 3, Goedken teaches the claimed limitation "wherein the human search assistant has such expertise in searching on the internet that the assistant can be considered a web librarian" as individuals, who have the expertise to quickly provide thorough, responsive and accurate information, is directed information request. Often time a person exists who knows where to locate and/or has custody of the information that interests a searcher. For example, if the searcher wants to know how bats see in the dark, a zoologist with a specialty in bats could very likely recommend a web page on point and/or answer that question precisely and concisely in a matter of moments. A human expert or a zoologist is represented as a search assistant who is human and a specialist. The human expert or a zoologist is considered as web librarian (col. 1, lines 41-51; col. 8, lines 36-38), "is able to give more information than the place to look in the World Wide Web" as (fig.8).

Goedken does not explicitly teach the claimed limitation "is able to supervise the user consulting the internet". Busey teaches assuming that a customer does not obtain an appropriate answer to his query then step 312 is performed so that a human agent can be used to resolve the query. For example, an inappropriate response may be where a query returns either no match or a large number of possible matches. An agent supervisor or administrator can set the default handling mechanism--allowing a customer to browse a list of matches or to forward the existing, but insufficient, match to an agent for resolution. If, for example, a display of a list of matches is the default, the system executes step 318 to show the list. Else step 316 is performed to create an online task and to invoke the WebACD as discussed below. The customer can be allowed to reformulate the question before escalation to the WebACD, as desired. The customer can be provided with a check box, button or other web page control asking whether the answer is satisfactory. The above information shows that the agent supervisor to supervise the user for consulting (col. 10, lines 36-52).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Busey's teaching of assuming that a customer does not obtain an appropriate answer to his query then step 312 is performed so that a human agent can be used to resolve the query to Goedken's system in order to assist a user improving searching/retrieving websites via Internet and further allow agents to solve user's particular problem immediately.

As to claim 5, Goedken discloses the claimed limitation subject matter in claim 1, except the claimed limitation "including conducting a dialogue between the user and the human search assistant on line and in real time". Busey teaches that the CIU manages the physical communications channels between customers and agents. In a preferred embodiment, the CIU module provides real-time text discussion, or chat, with multimedia extensions allowing agents and customers to interact immediately to solve a particular problem (col. 7, lines 5-10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Busey's teaching of managing the physical communications channels between customers and agents and providing real-time text discussion or chat with multimedia extensions between agents and customers to Goedken's system in order to help a user to retrieve relevant websites following user's request.

As to claim 6, Goedken discloses the claimed limitation subject matter in claim 5, except the claimed limitation "including using voice recognition via the internet to carry out the user's communication with the human search assistant".

Busey teaches an agent and customer communicate via a communication type that can be easily recorded, such as chat, the CIU can record the entire transcript (or a portion) of the dialogue and transfer the transcript to the WebACD for storing and future reference. Other communication types can be recorded, also, such as voice or IP voice. This can be accomplished by audio recording, by

Art Unit: 2162

speech recognition, etc. Speech recognition is represented as voice recognition (col. 8, lines 18-26).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Busey's teaching of an agent and customer communicate via a communication type and using speech recognition to Goedken's system in order to recognize user's voice or vocabularies as spoken by users for helping users in searching information on the Internet.

As to claim 7, Goedken discloses the claimed limitation subject matter in claim 1, except the claimed limitation "including offering the user a visual representation of the human search assistant". Busey teaches when a customer receives an unsatisfactory answer, or no answer, a dialog box is provided where users can choose to (4) be queued for an online agent. The (4) be queued for an online agent is a visual representation of the human agent (col. 12, lines 64-67; col. 13, lines 1-2).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Busey's teaching of when a customer receives an unsatisfactory answer, or no answer, a dialog box is provided where users can choose to (4) be queued for an online agent to Goedken's system in order to directly contact with an agent for assisting a user searching information on the Internet.

As to claim 10, Goedken discloses the claimed limitation subject matter in claim 9, except the claimed limitation "including enabling contact of the same search

assistant by the user by means of voice recognition, iris recognition or fingerprint recognition".

Busey teaches an agent and customer communicate via a communication type that can be easily recorded, such as chat, the CIU can record the entire transcript (or a portion) of the dialogue and transfer the transcript to the WebACD for storing and future reference. Other communication types can be recorded, also, such as voice or IP voice. This can be accomplished by audio recording, by speech recognition, etc. Speech recognition is represented as voice recognition (col. 8, lines 18-26).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Busey's teaching of speech recognition to Goedken's system in order to recognize user's voice or vocabularies as spoken by users for helping users in searching information on the Internet.

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6393423).

As to claim 9, Goedken discloses the claimed limitation subject matter in claim 1, except the claimed limitation "including using several human search assistants on the website". However, Goedken teaches web sites are stored in a knowledge database 136 that are accessed by many users via Internet. As shown in fig. 10, the portal 144, includes one or more apparatus 10. The apparatus 10 includes a second type of search engine 110, which is responsive to an information request from a user. If the portal

cannot find the suitable web site to responsive to a request from a user, the selector of the apparatus 10 will initiate a search for an information custodian 14 that can reply to an information request from a user. The above information shows that this database allows users to search a web site via the Internet at the same time. In case, when if many users search a web site at the same time and the portal cannot find the website to response to users' request, the select of apparatus 10 has to initial many custodians 14 to reply to users' requests. At this time, this web site is used by the custodians 14. The custodians 14 are represented as human search assistants (col. 21, lines 43-67; col. 22, lines 1-8).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Goedken's teaching of users can search web sites via Internet and custodians can help users to search web sites in order to provide answers to different users at the same time.

16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6393423) in view of Pickering et al (or hereinafter "Pickering") (US 6493695).

As to claim 11, Goedken discloses the claimed limitation subject matter in claim 9, except the claimed limitation " including using one or more head human search assistants having below them a number of specialized adjunct human search assistants who each is specialized in one or more fields, and wherein the head human

search assistant directs a call the head human search assistant receives towards one of those specialized adjunct human search assistants".

Pickering teaches the call center administrator may assign tasks or work to one or more selected agents 226 (or to all of them) by inserting an interaction 214 into the call center workflow. The interaction 214 may include a task or job to be performed by one or more agents 226. Such a task may be related to customer interactions or may be entirely independent thereof. The agents, who initially handle calls or tasks, will answer customer's question. The above information shows that the call center administrator has below her a list of agents who are specialized in one or more field to answer customers' questions. Agents are represented as human search assistants. The call center administrator is represented as a head human search assistant (col. 10, lines 1-7; col. 9, lines 49-51; col. 5, lines 11-13).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Pickering's teaching of the call center administrator assigns tasks to one or more selected agents by inserting an interaction 214 into the call center workflow to allow agents who answer questions of customer to Goedken's system in order to help users to find relevance information based on users' requests quickly.

17. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6393423) in view of Ng (US 6405175).

As to claim 14, Goedken discloses the claimed limitation subject matter in claim 13, except the claimed limitation "wherein said services comprise on-line shopping, price and product comparison".

Ng teaches Internet shopping is powerful not only because of the lower prices found. Many product reviews are posted on the Internet. The user can read such product reviews at magazine review site 22. Some online malls 16 link shoppers to these product-specific reviews, allowing shopper to compare products as well as prices (col. 2, lines 38-42).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Ng's teaching of the user can read product reviews at magazine review site and allowing shopper to compare products as well as prices to Goedken's system in order to allow users to find online products with lower prices and further save user's money when shopping online.

As to claim 15, Goeken discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the human search assistant composes programs for the user comprising films, television or radio or music programs which are provided via the internet". Goedken teaches a human assistant such as Dr\_McWilliams helps a user in searching information on Internet. Dr\_McWilliams provides a webpage corresponding to the received question from a user (figs. 4-8). Ng teaches users could post information about site to download movies (col. 14, lines 37-38).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Ng's teaching of downloading movies on the Internet to Goedken's system in order to help a user to have good time for entertainment.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barbara Quint, Inside a Searcher's Mind: The seven stages of an Online Search-Part 1, 1999 (page 13-18) that discloses a searcher who helps their clients to search information on line (page 13, col. Left, lines 1-26). The subject matter disclosed is pertinent to claim 1.

### Contact Information

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Firday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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11/3/2004